AQA

Please write clearly in block capitals.

Centre number | | | | | | Candidate number | | | | |

Surname _____

Forename(s) _____

Candidate signature _____
I declare this is my own work.

A-level
LAW

Paper 3B Human Rights

Time allowed: 2 hours

Materials
- You will need no other materials.

Instructions
- Use black ink or black ball-point pen.
- Fill in the boxes at the top of this page.
- Answer **all** questions. You must answer the questions in the spaces provided. Do **not** write on blank pages.
- If you need extra space for your answer(s), use the lined pages at the end of this book. Write the question number against your answer(s).
- Do all rough work in this book. Cross through any work you do not want to be marked.
- Questions should be answered in continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

Information
- The marks for questions are shown in brackets.
- The maximum mark for this paper is 100.

For Examiner's Use	
Question	Mark
1–5	
6	
7	
8	
9	
10	
11	
TOTAL	

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Answer **all** questions in the spaces provided.

Only **one** answer per question is allowed.

For each question completely fill in the circle alongside the appropriate answer.

CORRECT METHOD ⬬ WRONG METHODS

If you want to change your answer you must cross out your original answer as shown.

If you wish to return to an answer previously crossed out, ring the answer you now wish to select as shown.

0 1 Select the **false** statement about Article 2 of the European Convention on Human Rights (the right to life).

[1 mark]

A It imposes a positive obligation on States to protect life. ⬭

B It imposes an obligation on States to have rules of law about liability for offences of homicide. ⬭

C It permits an exception when the killing is because a person refuses to obey a lawful instruction given by a police officer. ⬭

D It permits an exception where the killing is considered absolutely necessary in defence of another person from unlawful violence. ⬭

0 2 Select the **true** statement about the effect of the European Convention on Human Rights on English law and the English legal system.

[1 mark]

A A private individual cannot directly enforce European Convention rules against another private individual in an English court. ⬭

B An English Court must not apply a UK statute which it believes is in conflict with the law of the European Convention. ⬭

C Judges can be sued for damages under the Human Rights Act 1998 if they fail to act as required by provisions of the European Convention. ⬭

D The European Court of Human Rights always allows a 'margin of appreciation' to a State when considering whether the State has complied with a European Convention right. ⬭

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0 3 Select the **false** statement about delegated legislation.

[1 mark]

A By-laws can be made by some public corporations as well as by local authorities. ⬭

B Delegated legislation is made by a person or body under powers given by the Government. ⬭

C The Scrutiny Committee can report on problems with delegated legislation but cannot make changes to it. ⬭

D The validity of delegated legislation can be challenged by an action for judicial review. ⬭

0 4 Select the **false** statement about judges.

[1 mark]

A Circuit judges try criminal cases in the Crown Court with juries. ⬭

B High Court judges try criminal cases in the Crown Court with juries. ⬭

C Judges cannot be sued for defamation for things said about parties or witnesses in a criminal trial. ⬭

D Supreme Court judges can only be removed from office by the Prime Minister. ⬭

0 5 Select the **true** statement about advice and funding in criminal cases.

[1 mark]

A A defendant in a criminal case cannot obtain public funding to defend the case. ⬭

B A duty solicitor is available to provide free representation for a defendant's appeal against conviction to the Supreme Court. ⬭

C An insurance agreement can be made which will fund the payment of a fine imposed on a defendant convicted of a criminal offence. ⬭

D Conditional fee agreements are not permitted in criminal cases. ⬭

5

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0 6 Explain **three** aspects of the rule of law.

[5 marks]

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0 7 Arvin, a police officer, saw Brett and Chas come out of a shop. Both were laughing and Arvin heard Brett say to Chas, "Did you see the way she went down when I punched her?" Arvin was aware of a woman screaming in the shop. He followed Brett, stopped him and asked for his name. Brett said, "Mouse, officer. But you can call me Mickey."

Suggest why, according to English law (Police and Criminal Evidence Act 1984), Arvin could lawfully arrest Brett in these circumstances.

[5 marks]

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5

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0 8

Investigative journalists published a series of highly controversial articles alleging that vulnerable people were being exploited at work in East Town. Eventually, a number of persons were convicted of various offences connected with the exploitation.

Elena was a very vocal critic of the work of the journalists and of the convictions. Despite fury from many in the area, she expressed her views in every way possible. She asserted that journalists, lawyers and local government officials connected with the affair were involved in bribery and corruption. Some of those she accused were contemplating actions for defamation. Additionally, the police were considering prosecuting Elena for harassment offences.

Assuming that actions in defamation and prosecution for harassment offences go ahead, advise Elena on the use that she might make of Article 10 of the European Convention on Human Rights (the right to freedom of expression).

[10 marks]

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In Question **09** you are required to provide an extended answer which shows a clear, logical and sustained line of reasoning leading to a valid conclusion.

0 9 Examine what is meant by 'justice' and discuss the extent to which the legal rules on the right to liberty and security of person, under Article 5 of the European Convention on Human Rights, may achieve justice for all concerned.

[15 marks]

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In Question **10** you are required to provide an extended answer which shows a clear, logical and sustained line of reasoning leading to a valid conclusion.

1 0

Deon and Faith founded 'Stopcar' to organise and participate in marches and demonstrations against the use of petrol and diesel fuel cars. These events were often violently opposed by another group, 'Oilheads', who insisted on their right to drive cars of any kind.

Deon and Faith spent two months planning a major protest event. The plan was to march to three petrol stations and occupy each one in turn for two hours. During that time, no car would be able to enter or leave. Deon gave the police only two days' notice of the event. The police then instructed Deon that Stopcar could march to one petrol station only and occupy it for one hour with no more than 20 protesters. As soon as the event was publicised, Faith received threats to her life from Oilheads if the event went ahead. She reported the threats to the police. However, the police made no special arrangements to protect her.

On the day of the event, Deon encouraged Stopcar protesters to ignore the restrictions. Fights with Oilheads members broke out when the protesters tried to follow their original planned route. The senior police officer present ordered all Stopcar protesters to end the march and disperse, and some were arrested when they refused. At that moment, Geri, an Oilheads member, ran up to Faith and stabbed her repeatedly, causing serious injury.

Taking a human rights perspective, consider the application of English law and the European Convention on Human Rights to the incidents arising out of the events described.

[30 marks]

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In Question **11** you are required to provide an extended answer which shows a clear, logical and sustained line of reasoning leading to a valid conclusion.

1 1 Jack is now 22 years old. Completely unknown to him, he is the son of Karl, a convicted murderer who has been in prison for 21 years. Karl had shot and killed two unarmed and defenceless police officers as he made his escape following a robbery at a jewellery shop. By chance, Lucy, a reporter for The Clarion, a national newspaper, discovered Jack's true identity and offered him money if he would consent to a published interview. When Jack refused, Lucy wrote a sensationalised story about Jack, naming him as Karl's son.

In consequence, Jack suffered persecution at work causing him to react violently and lose his job. He also became the victim of much unpleasant and threatening comment on social media, forcing him to move home and change his identity. On a number of occasions, he was stopped and searched by police officers when there was no obvious reason for them to do so.

Taking a human rights perspective, consider what rights and remedies Jack may have against Lucy and The Clarion, and against the police, arising out of the incidents described.

Assess the contribution of different sources of law to the rules which you have explained and applied in considering Jack's rights and remedies.

[30 marks]

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END OF QUESTIONS

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